

1 AN ACT relating to the Kentucky National Guard.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 38 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Active duty combat" means performing any of the following services in the*
7 *active federal military service of the United States:*

8 *1. Participation in an armed conflict;*

9 *2. Performance of a hazardous service in support of an armed conflict in*
10 *a foreign state; or*

11 *3. Performance of a duty through an instrumentality of war; and*

12 *(b) "Official declaration of war" means an official declaration of war made by*
13 *the United States Congress pursuant to Article 1, Section 8, Clause 11 of the*
14 *United States Constitution.*

15 *(2) Notwithstanding any other provision of law to the contrary, the Kentucky*
16 *National Guard and any member thereof shall not be released from the state into*
17 *active duty combat unless the United States Congress has:*

18 *(a) Passed an official declaration of war; or*

19 *(b) Taken an official action pursuant to Article I, Section 8, Clause 15 of the*
20 *United States Constitution to explicitly call forth the Kentucky National*
21 *Guard to:*

22 *1. Execute the laws of the union;*

23 *2. Repel an invasion; or*

24 *3. Suppress an insurrection.*

25 *(3) The Governor shall take any action necessary to comply with the requirements of*
26 *this section.*

27 *(4) This section may be cited as the Defend the Guard Act.*